

REMARKS

Claims 1-22 are in this application. Independent claims 1, 17 and 18 have been amended.

In paragraph 1 of the Office Action, claims 1-22 were rejected under 35 USC 101 as being directed to non-statutory subject matter.

Claim 1 is directed to a method of facilitating trading, in which a software process executing on a computer automatically determines something and updates based on the determination.

Claim 17 is directed to a method of facilitating trading, wherein first and second trading processes and market process are each software processes executing on a computer.

Claim 18 is directed to a method of facilitating trading, wherein a software process executing on a computer automatically decides something.

Since each of claims 17 and 18 is directed to a software process executing on a computer, each of these claims is directed to statutory subject matter. Claims 2-16 and 19-22 respectively depend from claims 1 and 18, and so therefore also are directed to statutory subject matter.

Withdrawal of the rejection of claims 1-22 under 35 USC 101 is requested.

In paragraph 2 of the Office Action, claims 1-22 were rejected under 35 USC 103 as being unpatentable over U.S. Patent No. 6,408,282 (Buist) in view of Livingston, Bonds and Bond Derivatives, 1999.

Claim 1 is directed to a method of facilitating trading. A trade between two market participants is captured. A software process executing on a computer determines whether each of the participants has gained money or lost money from the trade, and updates a preference rating based on the determination of whether money was gained or lost from the trade.

Basis for claim 1 is at page 40, lines 5-7, of the specification as originally filed:

For each trade, contra-party preference updating 63 compares the price at the comparison time with the trade price to determine whether the party has gained money or lost money trading with the contra, referred to as “trade comparison tracking” and updates statistics.

Buist discloses a system for after-hours trading in which trader terminals are coupled via a communication network to servers. Each trader can create a pop-up “hot list” of traders by using an Add button and a Delete button (column 30, lines 32-34).

Livingston was cited for its disclosure of bond trading by bond salesmen. Applicant fails to understand the relevance of Livingston to the present invention.

The Examiner took Official Notice of the fact that bond salesmen have operated over the telephone with a computerized file of potential trading partners, and have made their own preference ratings of their trading partners through notations on their rolodex cards. Applicant disputes that bond salesmen operating over the telephone have made preference ratings as specifically recited in claim 1, and requests that the Examiner provide a reference disclosing the preference ratings of claim 1.

Each of Buist, Livingston and the Examiner's Official Notice fails to show or suggest determining whether a participant has gained or lost money trading with another participant, and updating a preference rating based on this determination, as specifically recited in claim 1. Accordingly, claim 1 is not made obvious by any proper combination of the cited references and the Examiner's Official Notice.

Claims 2-16, in depending from claim 1, incorporate all of its features, and so each of these dependent claims is patentable for the reasons discussed above.

Claim 17 is directed to a method of facilitating trading. A preference designation of anonymous is provided from a first trading process to a market process. The first trading process participates in a trade at the market process with a second trading process that is unaware of the identity of the first trading process yet is able to obtain a preference rating from the market process for the first trading process. The first and second trading processes and market process are each software processes executing on a computer.

Each of Buist, Livingston and the Examiner's Official Notice fails to show or suggest obtaining a preference rating from a market process for a trading process, as specifically recited in claim 17. Accordingly, claim 17 is not made obvious by any proper combination of the cited references and the Examiner's Official Notice.

Claim 18 is directed to a method of facilitating trading. Information is provided to a preference updating process. A software process executing on a computer decides whether to trade with another market participant based on a preference rating of the other market participant determined by the preference updating process.

Each of Buist, Livingston and the Examiner's Official Notice fails to show or suggest a software process executing on a computer that decides whether to trade with another market

participant based on a preference rating of the other market participant determined by the preference updating process, as specifically recited in claim 18. Accordingly, claim 18 is not made obvious by any proper combination of the cited references and the Examiner's Official Notice.

Claims 19-22, in depending from claim 18, incorporate all of its features, and so each of these dependent claims is patentable for the reasons discussed above.

Withdrawal of the rejection of claims 1-22 under 35 USC 103 is requested.

The Examiner is invited to contact the undersigned to discuss any issues pertaining to this application.

A Notice of Allowance is solicited.

Respectfully submitted,

Date: January 24, 2005

Brenda Pomerance
Brenda Pomerance
Reg. No. 36,894

Address:
Law Office of Brenda Pomerance
260 West 52 St. Ste. 27B
New York, NY 10019
voice 212 245-3940